



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 29, 1996

Mr. Robert J. Miklos
Assistant City Attorney
Criminal Law and Police Division
Office of the City Attorney
City Hall
Dallas, Texas 75201

OR96-0823

Dear Mr. Miklos:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39326.

The Dallas Police Department received a request for a list of the sex offenders living in Denton, Collin, Dallas, Rockwall, and Ellis Counties. You have created two lists and ask whether you must withhold them from the requestor pursuant to section 552.101 of the Government Code. One list contains information about juvenile sex offenders for whom a reportable conviction occurred before September 1, 1995. The other list contains information about juvenile sex offenders who were convicted after September 1, 1995.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." A sex offender is required by law to register with the local law enforcement authority in the municipality or county in which the sex offender intends to reside. V.T.C.S. art. 6252-13c.1, § 2(a). Registration consists of completing a form created and disseminated by the Department of Public Safety (the "department"). *Id.* § 2(b). The local law enforcement authority must forward a copy of all registration information to the department where the information is entered into the department's computerized central database. *Id.* §§ 2(c), 5(a). Section 5(b) explicitly deems certain portions of this information public, and section 5(c) requires a local law enforcement authority to release the public information upon request.

Prior to its amendment by the Seventy-fourth Legislature, article 6252-13c.1 provided that a person who releases information required for sex offender registration to any person other than a law enforcement officer commits a Class B misdemeanor. Act of May 26, 1991, 72d Leg., R.S., ch. 572, § 1, 1991 Tex. Gen. Laws 2029, 2030, *amended by* Act of May 19, 1995, 74th Leg., R.S., ch. 258, § 6, 1995 Tex. Sess. Law Serv. 2197, 2201-02. When amending article 6252-13c.1, the Legislature made the following provision:

(a) Except as provided by Subsection (b) of this section, the change in law made by this Act to Article 6252-13c.1, Revised Statutes, applies only to a reportable conviction or adjudication as defined by Article 6252-13c.1, Revised Statutes, that occurs on or after the effective date of this Act or to an order of deferred adjudication for a person required to register under that article that is entered by the court on or after the effective date of this Act. A reportable conviction or adjudication that occurs before the effective date of this Act or an order of deferred adjudication that is entered before the effective date of this Act is covered by the law in effect when the conviction or adjudication occurred or the order was entered, and the former law is continued in effect for that purpose.

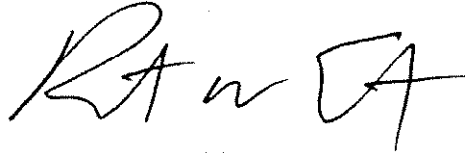
Act of May 19, 1995, 74th Leg., R.S., ch. 258, § 16, 1995 Tex. Sess. Law Serv. 2197, 2205. The effective date for the amended statute is September 1, 1995. Release of the information on the list which contains information about juvenile sex offenders for whom a reportable conviction occurred before September 1, 1995 is governed by the law in effect prior to September 1, 1995. Consequently, releasing this information to the requestor would constitute a Class B misdemeanor. Act of May 26, 1991, 72d Leg., R.S., ch. 572, § 1, 1991 Tex. Gen. Laws 2029, 2030 (amended 1995). This information is therefore confidential and excepted from required public disclosure pursuant to section 552.101.

As for the list which contains information about juvenile sex offenders who were convicted after September 1, 1995, we will not rule on the public disclosure of this information at this time. This office is currently examining the recent amendments to article 6252-13c.1 and will issue a formal opinion on this matter soon. We will address the public disclosure of this other list when that decision is issued. We have assigned your request on this issue ID# 100116.¹

¹You also ask whether a specific address for the juvenile sex offender may be released to the requester. We will also address this issue in ID# 100116.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'RWS' followed by a stylized flourish.

Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/rho

Ref.: ID# 39326

Enclosures: Submitted documents

cc: Mr. W.D. Byrne
601 N. Akard
Dallas, Texas 75201
(w/o enclosures)